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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

QIN CHEN,

Petitioner,

v.

MICHAEL CHERTOFF, Secretary
 of Department of Homeland Security;
 EMILIO T. GONZALEZ, Director of the
 U.S. Citizenship and Immigration Services;
 CHRISTINA POULOS, Acting Director of
 USCIS, California Service Center; and
 ROBERT S. MULLER, Director
 of Federal Bureau of Investigation,

Respondents.

No. C 07-2188-WDB

JOINT STATUS REPORT

The petitioner, proceeding *pro se*, and respondents, by and through their attorneys of record, wish to inform the Court that the Department of State has issued its Visa Bulletin for June 2008. A copy of the Bulletin is attached to this status report. According to this Bulletin, the cutoff date for second preference Chinese workers is now April 1, 2004. The petitioner's priority date is March 11, 2004. Accordingly, the petitioner will be eligible for a visa in June.

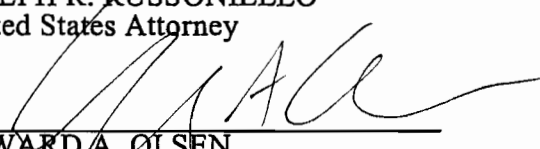
The parties respectfully ask this Court to defer ruling on the petitioner's pending motion for summary judgment because the parties anticipate that USCIS will adjudicate the petitioner's I-485 application in the month of June. The parties intend to file a stipulation to dismiss this action

1 prior to June 30, 2008.

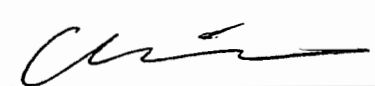
3 Dated: May 20, 2008

Respectfully submitted,

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United States Attorney


EDWARD A. OLSEN
Assistant United States Attorney
Attorneys for Respondents

9 Dated: May 20, 2008


QIN CHEN
Pro Se

Visa Bulletin

Number 119
Volume VIII
Washington, D.C.

VISA BULLETIN FOR JUNE 2008

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **June**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by May 8th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202 (e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

Family	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	15MAR02	15MAR02	15MAR02	22JUL92	15MAR93
2A	15JUL03	15JUL03	15JUL03	01MAY02	15JUL03
2B	01AUG99	01AUG99	01AUG99	08APR92	22FEB97
3rd	08JUN00	08JUN00	08JUN00	01AUG92	01APR91
4th	22AUG97	01FEB97	01FEB97	15DEC94	08MAR86

***NOTE:** For June, 2A numbers **EXEMPT** from per-country limit are available to applicants from all countries with priority dates **earlier** than 01MAY02. 2A numbers **SUBJECT** to per-country limit are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01MAY02 and earlier than 15JUL03. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
Employment-Based					
1st	C	C	C	C	C
2nd	C	01APR04	01APR04	C	C
3rd	01MAR06	22MAR03	01NOV01	01JUL02	01MAR06
Other Workers	01JAN03	01JAN03	01JAN03	01JAN03	01JAN03

4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

Employment Third Preference Other Workers Category: Section 203(e) of the NACARA, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This reduction has resulted in the DV-2008 annual limit being reduced to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For June, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	32,000	Except: Egypt: 22,000 Ethiopia: 17,750 Nigeria: 13,000
ASIA	11,900	
EUROPE	26,000	
NORTH AMERICA (BAHAMAS)	12	
OCEANIA	1,500	

SOUTH AMERICA, and the CARIBBEAN	1,700	
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Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2008 program ends as of September 30, 2008. DV visas may not be issued to DV-2008 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2008 principals are only entitled to derivative DV status until September 30, 2008. DV visa availability through the very end of FY-2008 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JULY

For July, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	38,050	Except: Egypt: 25,000 Ethiopia: 19,800 Nigeria: 14,650
ASIA	13,400	
EUROPE	29,000	
NORTH AMERICA (BAHAMAS)	13	
OCEANIA	1,650	
SOUTH AMERICA, and the CARIBBEAN	Current	

D. MEXICO F2A VISA AVAILABILITY DURING THE COMING MONTHS

Continued heavy demand for numbers in the Mexico F2A category will require the retrogression of this cut-off date beginning in July to hold number use within the annual numerical limit.

E. EMPLOYMENT THIRD PREFERENCE VISA AVAILABILITY

Demand for numbers, primarily by Citizenship and Immigration Services Offices for adjustment of status cases, is expected to bring the Employment Third preference category very close to the annual numerical limit in June. As a result, this category is likely to experience retrogressions or visa unavailability beginning in July. Such action would only be temporary, however, and a complete recovery of the cut-off dates would occur for October, the first month of the new fiscal year.

F. OBTAINING THE MONTHLY VISA BULLETIN

The Department of State's Bureau of Consular Affairs offers the monthly "Visa Bulletin" on the INTERNET'S WORLDWIDE WEB. The INTERNET Web address to access the Bulletin is:

<http://travel.state.gov>

From the home page, select the VISA section which contains the Visa Bulletin.

To be **placed on** the Department of State's E-mail subscription list for the "Visa Bulletin", please send an E-mail to the following E-mail address:

listserv@calist.state.gov

and in the message body type:

Subscribe Visa-Bulletin First name/Last name
(example: **Subscribe Visa-Bulletin Sally Doe**)

To be **removed from** the Department of State's E-mail subscription list for the "Visa Bulletin", send an e-mail message to the following E-mail address:

listserv@calist.state.gov

and in the message body type: **Signoff Visa-Bulletin**

The Department of State also has available a recorded message with visa cut-off dates which can be heard at: (area code 202) 663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

Readers may submit questions regarding Visa Bulletin related items by E-mail at the following address:

VISABULLETIN@STATE.GOV

(This address cannot be used to subscribe to the Visa Bulletin.)

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